

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

NATIONAL BOARD OF MEDICAL EXAMINERS <i>et al.</i>,)	
)	
)	
Plaintiffs,)	
v.)	Civil Action No. 09-1043-JDB
)	
OPTIMA UNIVERSITY LLC <i>et al.</i>,)	
)	
Defendants.)	
)	

DECLARATION OF ROBERT A. BURGOYNE

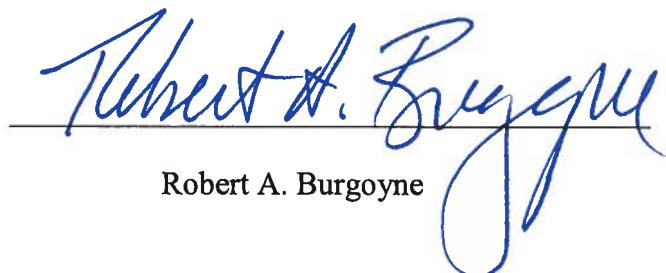
I, Robert A. Burgoyne, hereby state as follows:

1. I am more than twenty-one (21) years of age and, unless otherwise noted, I have personal knowledge of the facts stated herein.
2. I am one of the attorneys for Plaintiffs in the above-captioned lawsuit (the "Lawsuit"), the National Board of Medical Examiners and the Federation of State Medical Boards.
3. The Plaintiffs have been represented in the Lawsuit by the law firms of Rainey, Kizer, Reviere & Bell P.L.C. and Fulbright & Jaworski LLP.
4. I am the billing attorney on this Lawsuit for Fulbright & Jaworski. The invoices that I have sent to our clients have included our firm's fees and expenses as well as the fees and expenses incurred by Rainey, Kizer, Reviere & Bell P.L.C.
5. I have attached at Exhibit A a true and correct copy of a summary prepared by our accounting department of the fees billed by Fulbright & Jaworski for services provided in this Lawsuit by its attorneys and other timekeepers, through October 28, 2011. The total amount of those fees is **\$240,285**.

6. I have attached at Exhibit B a true and correct copy of a summary prepared by our accounting department of the expenses billed by Fulbright & Jaworski for costs incurred in this Lawsuit, through October 28, 2011. The total amount of these expenses is **\$35,364.89**. This includes the fees and expenses incurred by Rainey, Kizer, Reviere & Bell, which our firm paid and then submitted to our clients for reimbursement.

7. The **total attorneys' fees and costs** incurred by the Plaintiffs in connection with this Lawsuit for which payment is being requested from the Defendants is thus **\$275,649.89**.

I state under penalty of perjury, this 28th day of October, that the information provided above is true and correct.



Robert A. Burgoyne

EXHIBIT A

InvoiceNumber	Work Hours	Work Amount	Bill Hours	Bill Amount
null	1.00	595.00	1.00	595.00
10959022	1.50	892.50	1.50	892.50
10962699	112.25	61381.25	112.25	61381.25
10977714	73.75	42201.25	73.75	42201.25
10982651	34.00	19570.00	34.00	17636.25
10991256	34.25	18866.25	34.25	18717.50
11000854	14.00	7565.00	14.00	7565.00
11010246	10.25	6098.75	10.25	5206.25
11016646	5.50	2931.25	5.50	2931.25
11027558	26.75	15802.50	26.75	15207.50
11035610	22.25	12218.75	22.25	12218.75
11044484	9.50	5652.50	9.50	5652.50
11048800	3.25	1933.75	3.25	1933.75
11062590	53.00	21080.00	53.00	21080.00
11069401	2.50	1487.50	2.50	1487.50
11075840	1.00	595.00	1.00	148.75
11081497	22.25	13238.75	22.25	11602.50
11094531	1.50	892.50	1.50	892.50
11103339	.25	148.75	.25	.00
11118092	.25	148.75	.25	.00
11124738	6.00	3570.00	6.00	3570.00
11132639	2.25	1338.75	2.25	1338.75
11144872	7.50	3802.50	7.50	3747.50
11148588	1.75	921.25	1.75	921.25
11156501	2.25	1222.50	2.25	1105.00
11170351	.25	152.50	.25	.00
11187063	.50	297.50	.50	297.50
11194650	.25	148.75	.25	148.75
11206999	7.75	3246.25	7.00	1211.25
11223886	1.00	595.00	1.00	595.00
TOTAL	458.50	248595.00	457.75	240285.00

EXHIBIT B

CostCode	Worked Amount	Billed Amount	Description
E101S	1995.75	1995.75	Copy
E105S	218.37	218.37	Telephone
E106S	30.00	30.00	Online research
E107S	280.08	280.08	Delivery services/messengers
E112	10.00	10.00	Court fees
E122	28376.30	28376.30	Local counsel
E124	2554.33	2552.68	Other
F204S	42.00	.00	Secretary Overtime
F254S	694.00	694.00	Online Research - Lexis
F255S	1182.11	1182.11	Online Research - Westlaw
F256S	2.00	2.00	Equitrac Color Copies
F268S	23.60	23.60	Pacer
TOTAL	35408.54	35364.89	